

AO 241 (Rev. 5/85)

PETITION UNDER 28 USC § 2254 FOR WRIT OF  
HABEAS CORPUS BY A PERSON IN STATE CUSTODY

- 07 - 194 -

<b>United States District Court</b>		District <u>Delaware</u>
Name <u>Alonzo W. Morris Jr.</u>	Prisoner No. <u>263971</u>	Case No. <u>9911000751</u>
Place of Confinement <u>Delaware Correctional Center</u>		
Name of Petitioner (include name under which convicted) <u>Alonzo W. Morris Jr.</u>		Name of Respondent (authorized person having custody of petitioner) <u>v. Thomas Carroll</u>
The Attorney General of the State of: <u>James Adkins</u>		

## PETITION

1. Name and location of court which entered the judgment of conviction under attack Sussex  
County Superior Court
2. Date of judgment of conviction 11/19/02
3. Length of sentence 33 years 9 months
4. Nature of offense involved (all counts) Assault 1st and Possession of  
Deadly Weapon During Commission of Felony

## 5. What was your plea? (Check one)

- (a) Not guilty ☒
- (b) Guilty ☐
- (c) Nolo contendere ☐

If you entered a guilty plea to one count or indictment, and a not guilty plea to another count or indictment, give details:

N/A

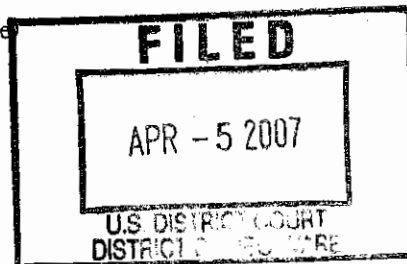
## 6. If you pleaded not guilty, what kind of trial did you have? (Check one)

- (a) Jury ☒
- (b) Judge only ☐

## 7. Did you testify at the trial?

Yes ☐ No ☒

## 8. Did you appeal from the judgment of conviction?

Yes ☒ No ☐

BD scanned

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## 9. If you did appeal, answer the following:

- (a) Name of court Delaware Supreme Court
- (b) Result Affirmed lower court's decision.
- (c) Date of result and citation, if known March 3<sup>rd</sup>, 2004 No. 21, 2003
- (d) Grounds raised Double Jeopardy, 4<sup>th</sup> Amendment violation, state's use of perjured testimony and failure of trial court to dismiss indictment.
- (e) If you sought further review of the decision on appeal by a higher state court, please answer the following:

- (1) Name of court N/A
- (2) Result N/A
- (3) Date of result and citation, if known N/A
- (4) Grounds raised N/A

## (f) If you filed a petition for certiorari in the United States Supreme Court, please answer the following with respect to each direct appeal:

- (1) Name of court N/A
- (2) Result N/A
- (3) Date of result and citation, if known N/A
- (4) Grounds raised N/A

## 10. Other than a direct appeal from the judgment of conviction and sentence, have you previously filed any petitions, applications, or motions with respect to this judgment in any court, state or federal?

Yes ☒ No ☐

## 11. If your answer to 10 was "yes," give the following information:

- (a) (1) Name of court Sussex County Superior Court
- (2) Nature of proceeding Post Conviction Relief Rule 61
- (3) Grounds raised Ineffective assistance of counsel, failure to properly litigate defendant's 4<sup>th</sup> Amendment claim, 2<sup>nd</sup> failure to adequately

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investigate and present evidence to support argument that false evidence was used  
to obtain indictment, 3<sup>rd</sup> failed to litigate Double Jeopardy Claim, 4<sup>th</sup> Failed  
to argue impermissible suggestive in-court identification, 5<sup>th</sup>, Conflict of Interest

(4) Did you receive an evidentiary hearing on your petition, application or motion?

Yes ☐ No ☒

(5) Result

Denied

(6) Date of result

April 27<sup>th</sup>, 2005

(b) As to any second petition, application or motion give the same information:

(1) Name of court

N/A

(2) Nature of proceeding

N/A

(3) Grounds raised

N/A

(4) Did you receive an evidentiary hearing on your petition, application or motion?

Yes ☐ No ☒

(5) Result

N/A

(6) Date of result

N/A

(c) Did you appeal to the highest state court having jurisdiction the result of action taken on any petition, application or motion?

(1) First petition, etc. Yes ☒ No ☐

(2) Second petition, etc. Yes ☐ No ☒

(d) If you did *not* appeal from the adverse action on any petition, application or motion, explain briefly why you did not:

N/A

12. State *concisely* every ground on which you claim that you are being held unlawfully. Summarize *briefly* the facts supporting each ground. If necessary, you may attach pages stating additional grounds and facts supporting same.

CAUTION: In order to proceed in the federal court, you must ordinarily first exhaust your available state court remedies as to each ground on which you request action by the federal court. If you fail to set forth all grounds in this petition, you may be barred from presenting additional grounds at a later date.

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For your information, the following is a list of the most frequently raised grounds for relief in habeas corpus proceedings. Each statement preceded by a letter constitutes a separate ground for possible relief. You may raise any grounds which you may have other than those listed if you have exhausted your state court remedies with respect to them. However, *you should raise in this petition all available grounds* (relating to this conviction) on which you base your allegations that you are being held in custody unlawfully.

Do not check any of these listed grounds. If you select one or more of these grounds for relief, you must allege facts. The petition will be returned to you if you merely check (a) through (j) or any one of these grounds.

- (a) Conviction obtained by plea of guilty which was unlawfully induced or not made voluntarily with understanding of the nature of the charge and the consequences of the plea.
- (b) Conviction obtained by use of coerced confession.
- (c) Conviction obtained by use of evidence gained pursuant to an unconstitutional search and seizure.
- (d) Conviction obtained by use of evidence obtained pursuant to an unlawful arrest.
- (e) Conviction obtained by a violation of the privilege against self-incrimination.
- (f) Conviction obtained by the unconstitutional failure of the prosecution to disclose to the defendant evidence favorable to the defendant.
- (g) Conviction obtained by a violation of the protection against double jeopardy.
- (h) Conviction obtained by action of a grand or petit jury which was unconstitutionally selected and impaneled.
- (i) Denial of effective assistance of counsel.
- (j) Denial of right of appeal.

A. Ground one: Defense Counsel's failure to properly litigate defendant's 4<sup>th</sup> Amendment claim denied defendant a fair trial.

Supporting FACTS (state briefly without citing cases or law) Police officer intentionally falsified information in the warrant affidavit to obtain judicial approval of warrantless arrest.

See - attached Memorandum

B. Ground two: Defense Counsel failure to investigate and introduce evidence or information that false evidence used to obtain indictment.

Supporting FACTS (state briefly without citing cases or law): Defense Counsel did not present any evidence or information that would support defendant's argument that the state used false evidence to obtain Grand Jury Indictment. Counsel admitted in open court that he failed to establish any meaningful argument to the court. See attached memorandum



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- C. Ground three: Defense Counsel failed to object to the State's use of expert testimony, without any Discovery material given by State.

Supporting FACTS (state briefly without citing cases or law): Police officer testified as expert in forensic science and fingerprint analysis without any pre-trial discovery relating to his expert opinion, qualifications or examination tests on the matter.

See attached Memorandum

- D. Ground four Defense Counsel actively represented defendant having an actual conflict of interest.

Supporting FACTS (state briefly without citing cases or law): On September 23<sup>rd</sup>, 2002 Defense Counsel petitioned the trial Judge in written correspondence for hearing on Conflict of Interest. also. (Ground # 5) Defense Counsel failed to object to State's use of False Expert testimony. State use False expert testimony by Dr. Carl Maschauer to obtain conviction.

13. If any of the grounds listed in 12A, B, C, and D were not previously presented in any other court, state or federal, state briefly what grounds were not so presented, and give your reasons for not presenting them: \_\_\_\_\_

None applicable

14. Do you have any petition or appeal now pending in any court, either state or federal, as to the judgment under attack?  
Yes ☐ No ☒

15. Give the name and address, if known, of each attorney who represented you in the following stages of the judgment attacked herein:

(a) At preliminary hearing

Thomas Bradley

(b) At arraignment and plea

Ruth Smythe

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- (c) At trial 1st trial Ruth Smythe  
2nd trial James Liguori
- (d) At sentencing 1st trial Ruth Smythe  
2nd trial James Liguori
- (e) On appeal 1st Direct Appeal Clayton Sweeney  
2nd Direct Appeal Pro-se
- (f) In any post-conviction proceeding Pro-se
- (g) On appeal from any adverse ruling in a post-conviction proceeding Pro-se

16. Were you sentenced on more than one count of an indictment, or on more than one indictment, in the same court and at the same time?

Yes ☒ No ☐

17. Do you have any future sentence to serve after you complete the sentence imposed by the judgment under attack?

Yes ☒ No ☐

(a) If so, give name and location of court which imposed sentence to be served in the future: Superior

Court, Sussex County

(b) Give date and length of the above sentence: 12/12/02

6 years 9 months

(c) Have you filed, or do you contemplate filing, any petition attacking the judgment which imposed the sentence to be served in the future?

Yes ☒ No ☐

Wherefore, petitioner prays that the Court grant petitioner relief to which he may be entitled in this proceeding.

Alonso Morales Jr  
 Signature of Attorney (if any)  
 (Pro-se)

I declare under penalty of perjury that the foregoing is true and correct. Executed on

3/25/07  
 (date)

Alonso Morales Jr  
 Signature of Petitioner



U.S. M.S.  
ALBANY

Legal Mail

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